

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

Samantha Aladwan
276 S. 17th Street
Columbus, Ohio 43205

*Individually and on behalf of her minor
child, A.C.*

PLAINTIFFS,

vs.

**THE UNITED STATES OF
AMERICA**

U.S. Attorney for the Southern District
of Ohio
Attention: Civil Process Clerk
303 Marconi Blvd., Suite 200
Columbus, Ohio 43215

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

DEFENDANT.

CIVIL ACTION NO._____

JUDGE _____

**CIVIL COMPLAINT (FEDERAL TORT
CLAIM ACT)**

COMPLAINT

Comes now the Plaintiffs Samantha Aladwan, individually and on behalf of her minor child, A.C., by and through counsel Jeffrey A. Pallante and Rafidi, Pallante and Melewski, LLC, and brings this action to obtain relief for the acts of the Defendant herein which caused physical and emotional damages to Plaintiffs because of the conduct of a Federal employee under the

Federal Tort Claims Act, 28 U.S.C. § 2671 *et seq.*, and the laws of the State of Ohio. Plaintiffs, for their Complaint against the Defendant, alleges as follows:

PARTIES

1. The Plaintiff, Samantha Aladwan (hereinafter “Plaintiff” or “Ms. Aladwan”) is a resident of Columbus, Franklin County, Ohio.
2. The Plaintiff, Samantha Aladwan is the mother and legal guardian of Plaintiff minor child, A.C.
3. Walter Green (hereinafter “Mr. Green”) is, upon information and belief, a resident of the State of Ohio, and at the time of the incident alleged herein, was an employee, representative or agent of the United States of America Postal Service acting within the course and scope of his federal employment.

JURISDICTION AND VENUE

4. Plaintiffs reallege and incorporate by reference, as if fully set forth herein, all the allegations contained in the above paragraphs of the Complaint.
5. Plaintiffs have suffered injuries and damages due to the wrongful actions of Defendant, and this action is a case of controversy over which this court has jurisdiction under Article III of the United States Constitution.
6. This is a civil action for damages arising under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 2671 *et seq.*, and the laws of the State of Ohio arising out of the acts or omissions of the Defendant, that occurred within the Southern District of Ohio.

7. The respective acts and omissions of Mr. Green, as alleged hereinafter, were conduct that was carried out by him within the course and scope of his individual position with the United States Postal Service and United States of America.
8. Jurisdiction is based on 28 U.S.C.A. § 1331, 28 U.S.C.A. § 1343, and 28 U.S.C.A. § 1367. This Court has jurisdiction over the state law claims.
9. This action arises pursuant to the Federal Tort Claims Act (“FTCA”) 28 U.S.C.A. § 1346(b) and 28 U.S.C.A. § 2671, et seq. The Court also has jurisdiction pursuant to 28 U.S.C.A. § 1346 and 28 U.S.C.A. § 2671.
10. Venue for this action properly lies in this District pursuant to 28 U.S.C.A. § 1331 and § 1343.

PREREQUISITES TO FILING SUIT

11. Plaintiffs reallege and incorporate by reference, as if fully set forth herein, all the allegations contained in the above paragraphs of the Complaint.
12. Plaintiffs have exhausted administrative remedies as set forth in the Federal Tort Claims Act.
13. On or about January 4, 2022, Plaintiffs each submitted a Standard Form 95 (SF-95”) Claim for the Damage, Injury, or Death through the United States Postal Service.
14. It has been more than six (6) months since the filing of the claim without it being disposed of at the administrative level, and thus Plaintiff has the right to file suit directly under the Federal Tort Claims Act.

COUNT ONE – NEGLIGENCE

15. Plaintiffs reallege and incorporate by reference, as if fully set forth herein, all the allegations contained in the above paragraphs of the Complaint.
16. On or about November 21, 2020, Plaintiff Samantha Aladwan was operating a motor vehicle traveling on Linwood Avenue, in Columbus, Ohio (Franklin County).
17. Minor child, A.C. was a passenger in the vehicle operated by Samantha Aladwan.
18. On or about November 21, 2020, Mr. Green was operating a United States Postal Service motor vehicle traveling on Linwood Avenue, in Columbus, Ohio (Franklin County) and negligently, wantonly, and/or intentionally operated his vehicle causing it to collide with Plaintiffs' vehicle.
19. As a direct and proximate result of Mr. Green's actions and/or inactions, Plaintiffs suffered past and future economic and non-economic damages including but not limited to medical bills, lost wages, lost earnings, pain and suffering, loss of enjoyment, loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training or education, disfigurement, permanent injury, mental anguish and any other intangible loss.
20. Furthermore, Plaintiffs have suffered pain and will, with reasonable certainty, continue to so suffer in the indefinite future.
21. As a direct and proximate result of Mr. Green's negligence, Plaintiffs were each required to obtain medical care for their injuries and they will with reasonable certainty, continue to require future medical care and treatment and pay additional sums therefore in the definite future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs each pray for a Judgment of monetary damages, as set forth in this Complaint and as allowed by law, in an amount of Seventy-Five Thousand Five Hundred Dollars (\$75,500.00) that includes: compensatory damages in a sum consistent with the bodily injuries and mental anguish of each Plaintiff; lost wages and the reasonably expected earning capacity of Plaintiff Aladwan; conscious pain and suffering; emotional distress; sustained and ongoing medical bills for treatment; and all damages each Plaintiff suffered for physical and emotional pain, emotional distress, hardship, shock, worry, agony, anxiety, sleeplessness, illness and trauma. Judgment for damages against the Defendant on all permitted theories of liability for the actions and omissions of its employees, agents, and representatives that proximately caused or contributed to the injuries of Plaintiffs; post judgment interest as provided by law; and for such further recovery and relief as this Court may deem just and equitable.

Respectfully submitted,

/s/ Jeffrey A. Pallante

Jeffrey A. Pallante (0075005)
Rafidi, Pallante & Melewski LLC
165 E. Livingston Ave.
Columbus, Ohio 43215
T: 614-224-7747
F: 888-811-9854
E: jpallante@lawrpm.com
Attorney for Plaintiff

INSTRUCTIONS TO THE CLERK

Please serve a copy of the foregoing Complaint by U.S. Certified Mail to the Defendant at both of the addresses listed in the caption of this Complaint.

/s/ Jeffrey A. Pallante
Jeffrey A. Pallante (0075005)
Rafidi, Pallante & Melewski LLC
165 E. Livingston Ave.
Columbus, Ohio 43215
T: 614-224-7747
F: 888-811-9854
E: jpallante@lawrpm.com
Attorney for Plaintiff